

MUNICIPAL CLERK
ATLANTA, GEORGIA

03-*B*-0529

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF JOHN REDLINGER AGAINST THE CITY OF ATLANTA, IN THE CASE OF JOHN REDLINGER V. THE CITY OF ATLANTA, CIVIL ACTION NUMBER: 2002-CV-58655, FILED IN THE SUPERIOR COURT OF FULTON COUNTY; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY-SIX DOLLARS (\$105,366.00); AND FOR OTHER PURPOSES.

WHEREAS, on September 18, 2002, Plaintiff John Redlinger initiated the case of John Redlinger v. City of Atlanta, in the Superior Court of Fulton County, claiming that he is entitled to back pay after criminal charges against him were dismissed; and

WHEREAS, John Redlinger, a former police officer with the City of Atlanta Police Department, was suspended without pay pending the adjudication of criminal charges on December 2, 1999 when he became a named Defendant in a federal indictment; and

WHEREAS, on November 1, 2001, all criminal charges were dismissed and John Redlinger resigned from the police department; and

WHEREAS, the City of Atlanta Code of Ordinances Section 114-529(c)(1)(b) reads "... A suspension without pay pending the adjudication of criminal charges may be imposed until the final disposition of those criminal charges. *However, back pay shall be awarded if the final disposition of charges does not result in a conviction.*"; and

WHEREAS, the final disposition of John Redlinger's charges did not result in a conviction; and

WHEREAS, at ~~the~~ Court ordered mediation, Judge Philip F. Etheridge concluded that the

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ordinance is clear and back pay should be awarded; and

WHEREAS, Judge Gail S. Tusan concluded in an Order on February 10, 2003 that the ordinance is plain and unambiguous and ordered Defendant City of Atlanta to pay the Plaintiff's back pay and his attorney's fees; and

WHEREAS, Plaintiff, through his attorney, has agreed to settle all claims of Plaintiff against the City of Atlanta for the sum of ONE- HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00); and

WHEREAS, the City Attorney considers it to be the best interest of the City to resolve this matter and recommends that the above settlement be entered into; and

WHEREAS, by this settlement, Defendant City of Atlanta admits no liability; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude the settlement of all claims against the City of Atlanta, as set forth in Civil Action No.: 2002-CV-58655, Superior Court of Fulton County, for the aggregate amount of ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00).

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00) at the direction of the City Attorney from the account of 1A01529017T31001. Payment shall be in the form of a check in the amount of ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00), payable to Plaintiff John Redlinger and his attorney William J. McKenney.